

## BY-LAWS

### Board of Zoning Appeals Loudoun County, Virginia

#### Article 1. Officers

1-1. The Board of Zoning Appeals (hereafter the Board) shall organize and annually elect a chairman and vice-chairman, and may elect a secretary, in the month of January. The secretary is not required to be a member of the Board and, in the absence of election by the Board, the duties of the secretary shall be fulfilled by a staff member designated by Loudoun County.

1-2. The chairman shall preside at meetings and hearings of the Board, shall decide points of order or procedure and shall appoint any committees that are found to be necessary.

1-3. The vice-chairman shall assume the duties of the chairman in the chairman's absence. In the absence of both the chairman and the vice-chairman, any member can call the meeting to order, and a chairman pro tem shall be elected to preside only for that meeting and only in the absence of both the chairman and vice-chairman.

1-4. The secretary shall handle correspondence subject to these rules at the direction of the Board; shall send out notices required by these rules; shall keep the minutes of the Board's proceedings; and shall keep a file on each case which comes before the Board.

#### Article 2. Meeting

2-1. Regular meetings of the Board for the hearing of cases and other business of the Board shall be held on the fourth (4th) Thursday of each month at 7:30 p.m., unless otherwise ordered by the chairman.

2-2. Special meetings may be called by the chairman, provided at least five (5) days written notice of such meeting is given each member.

2-3. A majority of the Board shall constitute a quorum.

2-4. Business conducted at meetings of the Board shall follow Roberts' Rules of Order. ~~with the following additional provision: A motion to reconsider a previous question may also be made by a member who was absent for the vote on that previous question. 1~~

2-5. The Board may adjourn a meeting if all applications or appeals cannot be disposed of on the meeting day, and, if the meeting is continued to a date certain, no further public notice shall be necessary for a continuation of such meeting.

2-6. Voting Rights of Alternate Members: A member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman of such fact at least twenty-four hours prior to the meeting. The chairman shall select one of the alternate members to serve in the absent or abstaining member's place and the records of the Board shall so note. Alternate members shall have the right to vote upon only those specific matters in which they have been called upon to serve in the absence of a member or called upon to serve due to the abstention of a member as a result of a conflict of interest. An alternate member shall then continue to hear each case for which he was called to serve until final disposition of such case, and the absent or abstaining member for whom the alternate member served shall not participate in Board discussions or vote on any such case. Except as otherwise provided in this Section 2-6, when all members are present, an alternate member may be seated during the proceedings and may participate in the public hearing portion of such proceedings, but may not participate in Board discussions following the public hearing portion of the proceedings, nor may he vote. 2

### Article 3. Procedure for Hearing Cases

3-1. Appeals and applications for variances and for such special exceptions as the Board is authorized to hear and determine may be taken to the Board by any person affected by a decision of the zoning administrator or otherwise authorized by the Code of Virginia or the Loudoun County Zoning Ordinance and by applicants for special exception or variance. Such appeal or application shall be filed with the zoning administrator on the form provided by the Board. The zoning administrator shall transmit the appeal or application to the secretary of the Board along with all papers constituting the application or the record of action upon which the appeal is based.

3-2. The applicant shall provide the secretary with all information requested on the form provided by the Board and any such additional information and data as may be required to advise the Board fully with reference to the application or appeal. Applications and appeals must be submitted on the proper forms. If the applicant wishes the Board to consider any additional data or information, fifteen (15) copies of such data or information shall be submitted to the secretary at least ten (10) working days in advance of the meeting at which the application shall be heard. Data or information attempted to be submitted less than ten (10) working days in advance of the meeting or at the Board meeting shall be considered at that meeting only by leave of the Board. 3

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2 Section 2-6 added by motion approved 03-23-06

3 Amended by motion approved 6-22-06

3-3. An application or appeal filed according to the above procedure shall be assigned a case number within five (5) days. Applications or appeals will be heard in the order they are received.

3-4. The secretary of the Board shall notify all interested parties of the public hearing, schedule the case and give public notice in accordance with §15.2-2204, Code of Virginia. The applicant shall be responsible for satisfying all posting and other notice requirements of the Zoning Ordinance.

3-5. The applicant may appear in his own behalf at the public hearing or be represented by counsel or an agent. In the absence of any appearance by the applicant or anyone on his behalf, the Board may proceed to dispose of the matter on the basis of the facts before it.

Both the applicant and zoning administrator, or designated County staff, may speak to the appeal or application and any private citizen may speak for or against the issue. The applicant shall be given an opportunity for a final rebuttal. Unless otherwise permitted by leave of the Board: (a) the total time allotted to the applicant for presentation and rebuttal shall be ten (10) minutes, and likewise to the zoning administrator or designee; (b) the total time allotted to any other person speaking for or against the issue shall be five (5) minutes.

3-6. The final decision to approve any application or appeal shall be in the form of a resolution or motion approved by a majority of the membership of the Board. A decision which denies an application or an appeal may be in the form of a motion approved by a majority of those present and voting at the meeting.

3-7. The Board shall notify the interested parties and the zoning administrator of the decision within ninety (90) days of the date on which the application or appeal was filed, or within such extended period as the applicant has consented to in writing.

#### Article 4. Records

4-1. A complete file on each appeal or application shall be kept by the secretary as part of the records of the Board .

4-2. All records of the Board shall be a public record.

Attest: Melinda M. Artman  
Zoning Administrator

David M. Joseph Forlins  
Chairman

Date: 7-20-06

Janice Weber  
Secretary